

PIN:07-22-300-036

PROPERTY ADDRESS:  
844 S IL ROUTE 59  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170

RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case # DEV-0049-2025

**ORDINANCE NO. 25- \_\_\_\_**

**AN ORDINANCE APPROVING A MAJOR CHANGE AND FINAL PUD PLAT FOR THE  
FOX RIVER COMMONS PLANNED UNIT DEVELOPMENT FOR THE PROPERTY  
LOCATED AT  
844 S IL ROUTE 59 (Guzman y Gomez)**

**RECITALS**

1. **WHEREAS**, Guzman y Gomez Mexican Kitchen, 795 East Golf Road, Schaumburg, Illinois 60173 ("**Petitioner**"), has petitioned the City of Naperville for approval of a major change to the Fox River Commons Planned Unit Development and approval of a Final plat of the Fox River Commons Planned Unit Development, for the property located at 844 S Illinois Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owner of the Subject Property is CRC Chicago Coinvest, LLC 1427 Clarkview Road, Suite 500 Baltimore, MD 21109 ("**Owner**").
3. **WHEREAS**, the Owner has authorized the Petitioner to submit the subject petition.

4. **WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping Center District Planned Unit Development) and is improved with a two-story restaurant building.
5. **WHEREAS**, the Petitioner is proposing to demolish the existing building and construct a new 2,668 square foot Guzman y Gomez restaurant with a drive-through and associated parking lot on the Subject Property.
6. **WHEREAS**, pursuant to Section 6-4-6:1 (Changes to a Final Planned Unit Development) of the Naperville Municipal Code, the Petitioner request requires approval of a major change to the Fox River Commons Planned Unit Development.
7. **WHEREAS**, the proposed use is consistent with the previous use of the property and is a permitted use in the underlying B2 zoning district.
8. **WHEREAS**, the requested major change meets the standards for granting or amending a planned unit development as provided in **Exhibit C** attached hereto.
9. **WHEREAS**, the Petitioner is also requesting approval of a Final Plat of the Fox River Commons Planned Unit Development to reflect the proposed site modifications as illustrated on **Exhibit B** (“**Final PUD Plat**”).
10. **WHEREAS**, on July 16, 2025 the Planning and Zoning Commission conducted a public hearing to consider the requested major change and Final PUD Plat and recommended approval of the Petitioner’s requests.
11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s requests should be granted as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A major change to the Fox River Commons Planned Unit Development pursuant to Section 6-4-6:1 of the Naperville Municipal Code is hereby approved.

**SECTION 3:** The Final Planned Unit Development Plat for Fox River Commons, attached to this Ordinance as **Exhibit B** ("**Final PUD Plat**"), is hereby approved.

**SECTION 4:** The Building Elevations attached to this Ordinance as **Exhibit D** and the Landscaping Plans attached to this Ordinance as **Exhibit E** are hereby approved.

**SECTION 5:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 6:** The City Clerk is authorized and directed to record this Ordinance and the Final Planned Unit Development Plat for Fox River Commons with the DuPage County Recorder.

**SECTION 7:** If this Ordinance and the Final PUD Plat it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

**SECTION 8:** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such

section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 9:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn C. Portner  
City Clerk